

REMARKS

This Amendment is submitted prior to continued examination of the present application and in response to the final Office Action issued January 22, 2009. Claims 1-6, 8-16, and 20 were pending in the application. In the Office Action, claims 1-6, 8-16, and 20 were rejected. In this Amendment, claims 1, 8, 10, and 20 have been amended. No new matter has been added. Claims 1-6, 8-16, and 20 thus remain for consideration.

Applicants submit that claims 1-6, 8-16, and 20 are in condition for allowance and request withdrawal of the rejections in light of the following remarks.

Claims 1-5, 8-11, and 15 were rejected under 35 U.S.C. §103(s) as being unpatentable over Olympia Orthopaedic Associates ("Olympia") in view of U.S. Patent No. 6,389,454 to Ralston ("Ralston").

Claim 1 has been amended to recite:

 "inputting at a computing station information identifying a scan to be performed for the patient or a condition to be considered in planning the scan;

 identifying which scanner is capable of performing the scan;

 processing at the computing station the information relative to the capability and availability of the first scanner and the second scanner to determine which scanner may perform the scan most efficiently; and

 selectively directing said received patient to the first magnetic resonance scanner or to the second magnetic resonance scanner based on the processed information."

Support for this amendment may be found throughout the specification. By way of example only, paragraph [0042] states:

 "For example, in another embodiment of this aspect of the present invention, station 14 may be a computer station running a software program which

receives as its input, requests for scans each including the name or other data identifying a patient in queue 10 together with data identifying the scan to be performed for such patient. The data identifying the scan to be performed may identify the scan explicitly as, for example, by data denoting a "sagittal scan of the left foot" or implicitly, by data denoting a condition to be considered in planning the scan as, for example, "rule out aortic aneurism," which implicitly denotes a need for a scan of the torso. The computer station processes the received data and selectively dispatches each patient to the appropriate scanner, such as conventional scanner 20 or extremity scanner 24."

Thus, for example, a patient requiring his leg to be scanned may use either the full-body MRI device or the extremity MRI device. Accordingly, because both scanners are capable, the availability of both scanners is considered for purposes of scheduling the patient's appointment. If, for example, both scanners are available, then considerations of energy efficiency and conservation may be used to determine which scanner the patient should be directed to.

In contrast to claim 1, Olympia merely provides an account of a historic event, i.e., an orthopedic group provided patients with extremity MRI scans in 1998, and later added a full body MRI scanner. (Olympia, ¶¶ 4-5). It is acknowledged in the rejection of claim 1 that Olympia does not teach any sort of system for selectively directing patients to one of the two scanners.

Moreover, Ralston does not teach the limitations of amended claim 1. Ralston teaches a multiple-facility appointment scheduling system. This system includes a computer implemented scheduling system, where input to the system includes client personal information, service data (e.g., diagnosis and recommended treatment), and client appointment

preference data, such as the preferred date, time, and facility where the client would like to schedule the appointment. (Ralston, col.4 ll.50-58). The scheduling system compares the service data to an existing set of service constraints to determine any client constraints. For example, if the client wears braces, the client may not schedule an MRI. (Id. At col.4 l.65 to col.5 l.5). The system generates a number of possible appointments, based on availability of the patient and availability of the required facility. (Id. At col.5 ll.17-36). The client may then select an appointment. (Id. At col.5 ll.65-67).

The Examiner appears to equate the "facilities" of Ralston with first and second "scanners" recited in claim 1. Even accepting this, for the sake of argument, Ralston fails to teach the limitations of claim 1 because Ralston fails to teach inputting information identifying a scan to be performed on a patient and "processing at the computing station the information relative to the capability and availability of the first scanner and the second scanner to determine which scanner may perform the scan most efficiently." Rather, Ralston indicates that the client's choice of facility of entered as input. Thus, the availability or capabilities of different facilities is never taken into account.

Moreover, Ralston fails to teach "selectively directing said received patient to the first magnetic resonance scanner or to the second magnetic resonance scanner based on the processed information." Rather, Ralston merely provides a patient with an indication of which appointment times are available, and then permits the patient to select an appointment. If each patient merely selects a convenient appointment time, there is no guarantee that each facility will be used most efficiently. Even further, Ralston does not

provide for scheduling two patients at the same time at different facilities.

For at least the reasons discussed above, Applicants respectfully submit that claim 1 is patentable over Olympia and Ralston, taken alone or in combination. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Independent claims 8 and 10 have been amended to recite limitations similar to those of claim 1 discussed above. Accordingly, for at least the reasons discussed in connection with claim 1, Applicants respectfully submit that claims 8 and 10 are also patentable, and therefore request that the rejections of claims 8 and 10 be withdrawn.

Claims 2-5, 9, 11, and 15 each depend from one of independent claims 1, 8, or 10 discussed above. Accordingly, for at least the reasons discussed above in connection with the independent claims, Applicants respectfully submit that claims 2-5, 9, 11, and 15 are patentable and request that the rejections of same be withdrawn.

Claims 6, 12-14, 16, and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Olympia in view of Ralston in further view of U.S. Patent No. 6,414,490 to Damadian ("Damadian").

Each of claims 6, 12-14, 16 depends from, and therefore includes the limitations of, one of independent claims 1, 8, or 10 discussed above. Accordingly, for at least the reasons discussed above in connection with the independent claims, Applicants respectfully submit that claims 6, 12-14, 16 are patentable over Olympia and Ralston, taken alone or in combination. Moreover, Damadian fails to cure such deficiencies. Indeed, Damadian does not mention a computing device for inputting patient information at all. Thus, Applicants respectfully submit that claims 6, 12-14, 16 are

patentable over all of the cited references, and therefore request that the rejections of claims 6, 12-14, 16 be withdrawn.

Independent claim 20 has also been amended to recite limitations similar to those discussed above in connection with claim 1. Accordingly, for at least the reasons discussed above, Applicants respectfully submit that claim 1 is patentable over Olympia and Ralston. Moreover, because Damadian does not even mention a computing device for inputting patient information, Damadian fails to cure these deficiencies. Thus, Applicants respectfully submit that claim 20 is patentable and request that the rejection of claim 20 be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 
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